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EXAMINER

LEWIS, DAVID LEE

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 07/31/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/821,969

Applicant(s)
Hylin et al.

Examiner
David L. Lewis

Art Unit
2673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 14, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. **Claims 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmier et al. (6006159).**

3. **As in claim 25, Schmier et al. teaches of a method of selectively displaying digital information at one or more of a plurality of locations, column 10 lines 50-65, said method comprising: receiving control instructions from at least one information mediator, column 9 lines 36-45, column 11 lines 10-15; using said control instructions to generate an exposure list, said exposure list specifying display content display location display timing and display duration, column 9 lines 45-67; displaying**

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images at one or more of said locations in accordance with said exposure list, **column 10 lines 50-67**; and permitting said exposure list to be dynamically updated, **column 10 lines 1-10**.

4. **As in claim 26, Schmier et al. teaches of a system for selectively displaying digital information at one or more of a plurality of locations, figure 1**, said system comprising: a computerized control center, **figure 1**, having a plurality of communication interfaces for receiving control instructions, **column 11 lines 5-10**, from at least one information mediator, **figure 1 item 22**, said computerized control center including means for generating and dynamically updating an exposure list from said control instructions, **column 9 lines 36-67, column 10 lines 1-7**, said exposure list specifying display content display location display timing and display duration, **column 9 lines 45-65**; a computerized device situated at each one of said plurality of locations, each computerized device being electronically coupled to said computerized control center, **column 11 lines 5-10**; and a means for displaying images in accordance with said exposure list associated with each one of said computerized devices, **column 14 lines 37-50**, wherein the end user is represented by a computer terminal inherently comprising a display, **column 11 lines 5-10**, and display text of the computer interface representing said images, **column 11 lines 15-20**.

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Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmier et al. (6006159) in view of Vogeley et al. (5404185).**
7. **As in claim 1, Schmier et al. teaches of a method of dynamically coordinating and controlling displays in a digital information system to display material in public places on at least one display device, figure 1, column 10 lines 1-7 and 50-65, said digital information system including a computerized control center having a plurality of communication interfaces, figure 1 item 22, a plurality of computerized devices situated in proximity to said public places and being connected to said control center wherein each of said computerized devices controls at least one display, column 11 lines 5-10, and at least one subscribing information mediator having communications drive routine means for selectively and transparently connecting to said control center, figure 1 item 16, said method comprising: receiving, by said control center, display information transmitted by said**

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mediators at any time, **column 13 lines 15-24**, said display information including booking information, specified by said at least one mediator, for reserving and controlling a time-period to display said display material, **column 13 lines 33-40**; generating, organizing, and dynamically updating an exposure list in real time, by an exposure handler included in said control center, in accordance with said display information, said exposure list also containing display control instructions based on said booking information, **column 9 lines 37-67, column 10 lines 1-6**; coordinating and controlling select ones of said displays by said computer devices, in response to said display control instructions contained in said exposure list, in order to display said display material on said display device in real time, wherein said display information in said exposure list specifies a content of display, a location of display, a timing of display, and a duration of display, **column 9 lines 25-65**, and said exposure list enables each of said select displays to independently and instantaneously receive said display information through said computerized devices, **column 11 lines 1-20**. **However Schmier et al. is silent as to a display control instructions for controlling projectors based on control instructions contained in said exposure list. Vogeley et al. teaches liquid crystal display type projectors** are useful for applications dealing with the public display of information, such as public display at transportation terminal displays of arrival and departure times. Given that Schmier teaches of liquid crystal displays for the public displaying of information, **it would have been obvious for the skilled artisan** at the time of the invention to combine a projector type LCD of

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Vogeley to Schmier's display system because the Schmier suggests a public display application, of which a projector types display is known to be useful for, as found in claim 1.

8. **As in claim 13, Schmier et al. teaches of** a system for dynamically coordinating and controlling displays to display digital material on at least one display device in public places, **figure 1, column 10 lines 1-7 and 50-65**, said system comprising: a computerized control center for processing display information and having a plurality of communications interfaces to support data transmissions, **figure 1**, said control center including an exposure handler for generating, organizing, and dynamically updating an exposure list in real time in accordance with said display information, **figure 1 item 22**, said exposure list also containing display control instructions based on said display information, **column 9 lines 37-67, column 11 lines 10-15**; at least one information mediator for transmitting said display information to said control center at any time, each of said mediators being electronically coupled to said computerized control center via one of said communication interfaces and selectively and transparently connecting to said control center through a communications drive routine means, **figure 1 item 16**, said display information including booking information, specified by each of said mediators, for reserving and controlling a time-period to display said display material, **column 9 lines 37-67, column 10 lines 1-6, column 13 lines 11-40**; a plurality of computerized devices, situated in proximity to said public places, for coordinating and controlling select ones of a plurality of displays in response to said display control instructions, each of said computerized devices being

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electronically coupled to said computerized control center via one of said communication interfaces, **column 11 lines 1-15, column 14 lines 38-50**; and wherein said display information in said exposure list specifies a content of display, a location of display, a timing of display, and a duration of display, and said exposure list enables each of said select displays to independently and instantaneously receive information through said computerized devices, **column 11 lines 1-15. However Schmier is silent as to a display control instructions for controlling projectors** based on control instructions contained in said exposure list. **Vogeley et al. teaches liquid crystal display type projectors** are useful for applications dealing with the public display of information, such as public display at transportation terminal displays of arrival and departure times. Given that Schmier teaches of liquid crystal displays for the public displaying of information, **it would have been obvious for the skilled artisan** at the time of the invention to combine a projector type LCD of Vogeley to Schmier's display system because the Schmier suggests a public display application, of which a projector types display is known to be useful for, as found in claim 1.

9. Dependant **claims 2-12 and 14-24** would have been obvious to over Schmier in view of Vogeley et al. as applied to claims 1 and 13 above. It would have been obvious to the skilled artisan at the time of the invention to provide a projector output as taught by Vogeley for the computer terminals or output device as taught by Schmier for the purpose of displaying terminal data or information to more than the direct user given the public use of information and the obvious utility of a large display, for

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a large public audience. As in claims 2 and 14, Schmier et al. teaches of a system administrator for updating said exposure list with elective input information at any time, column 9 lines 30-36, wherein the company, municipality, or bureau would have administrative access. As in claims 3, 11, 15, and 23, Schmier teaches of a solar powered display which would change display power when the sunlight is obstructed, column 13 lines 50-60, and display information according the display schedule, column 13 lines 24-40. As in claims 4 and 16, Schmier is silent as to said feature however said shielding feature would be an obvious design choice given the public use with exposure to the outdoors and dirt. As in claims 5-7, 17-19, and 21, Schmier in view of Vogeley et al. teaches of databases or storage, figure 1 item 24, column 11 lines 1-15. Further as in claims 8-10, 12, 20, 22, and 24, said features would have been obvious to the skilled artisan for the purpose of providing a projector as well known in the art, as a secondary or primary computer display means, as taught by Schmier in view of Vogeley.

Response to Arguments

10. Applicant's arguments filed on 5/14/2003 with respect to claims 1-26 have been considered but are not persuasive. The rejections over Schmier et al. in view of Vogeley stand. Applicant argues Schmier et al. fails to teach of said exposure list that specifies display content, display location, display timing and display duration. As shown in column 9 lines 45-67, Schmier teaches of a transit

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data table which list information equivalent to said exposure list, and contains schedules or tables of bus related display information, displayed on a display module/computer 30, wherein a remote central computer programs the displaying of information on said display module 30, the display being dynamically updated with new information in real time . This programed display function controlled by the remote central computer inherently anticipates a display location within said transit data table, which would be necessary to address the program information to the proper location within the transit system. Schmier teaches of a) display content, said transit table list includes each run of a transit vehicle for a given time period, with arrival times and load predictions. b) display location, the broadcast of the revised schedule information is sent throughout the area encompassing the transit system, with programing features that inherently anticipate display module address or location. c) display timing, times of arrival, run of a transit vehicle for a given period is displayed. d) display duration, each run of a transit vehicle for a given time period, such as a day, and associated schedule information are displayed. Vogeley et al. teaches of a display application for a transportation terminal which displays arrival and departure times. This is related art to the display application for a transportation terminal or display module 30, as taught by Schmier, wherein Vogeley et al. displays a known means to display information as suggested by both Vogeley and Schmier. While the applicants invention is slightly different from that disclosed by Schmier, the claim language is sufficiently broad to read on Schmier. For these reasons the rejection is maintained.

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Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(703) 306-3026**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on (703) 305-4938. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor
(Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology
Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Examiner: David L. Lewis

July 22, 2003